

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Midwest United Energy, LLC,) Application No. NG-0015
Lakewood, Colorado, seeking)
authority as a Competitive) AUTHORITY GRANTED
Natural Gas Provider in the)
state of Nebraska.) Entered: February 3, 2004

BY THE COMMISSION:

By application filed December 16, 2003, Midwest United Energy, LLC (Midwest or Applicant), Lakewood, Colorado, seeks authority as a competitive natural gas provider (CNGP) in the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on December 17, 2003.

The deadline for filing a protest or petition for intervention was January 16, 2004. Because no protests or petitions for intervention were filed, the Commission may process this application by modified procedure, pursuant to the Commission Rules of Procedure, 291 Neb. Admin. Code, Ch. 1, Rule 018.3.

O P I N I O N A N D F I N D I N G S

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2003 Supp.). Section 66-1849 provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission rules and regulations specify requirements for an application for authority as a CNGP. See, 291 Neb. Admin. Code, Ch. 9, Rule 009.

In support of its application, Midwest submitted a copy of an audited financial statement. Midwest also provided a copy of its Certificate of Authority to Transact Business in Nebraska. Midwest has not had any legal action or formal complaints pertaining to the provision of competitive natural gas services filed against the company within the twelve months prior to filing this application, nor has it had a license or certificate

to supply competitive natural gas services revoked, denied or withdrawn.

In addition, Midwest submitted the affidavit of James Krebs, Chief Executive Officer, verifying the accuracy of the information in the application, including the qualifications listed for himself, Midwest's Officers, Chairman of the Board, Managers and other principal managerial, technical and financial personnel.

Commission Staff Accountant Steve Stovall submitted an affidavit attesting that the financial statements submitted provide evidence of adequate financial resources necessary to obtain and deliver the services the Applicant proposes to offer.

Based upon the information provided in the application and by affidavits, the Commission finds that the provisions of Neb. Rev. Stat. §§ 66-1848, 66-1849 and applicable Commission rules and regulations are met. Midwest's application for authority should be granted, and Midwest should be issued a certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application for authority is hereby granted.

IT IS FURTHER ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a competitive natural gas provider.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of February, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chairman

ATTEST:

Executive Director